

U.S. DISTRICT COURT  
**FILED**  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

THE SCO GROUP, INC.

Plaintiff/Counterclaim-  
Defendant,

vs.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-  
Plaintiff.

**EX PARTE MOTION FOR LEAVE  
TO FILE OVER-LENGTH  
MEMORANDUM**

**Civil No. 2:03CV0294 DAK**

**Honorable Dale A. Kimball**

**Magistrate Judge Brooke Wells**

Plaintiff/Counterclaim-Defendant The SCO Group (“SCO”) hereby moves the Court pursuant to District Court Rule 7-1(e) for leave to file an overlength Reply Memorandum to

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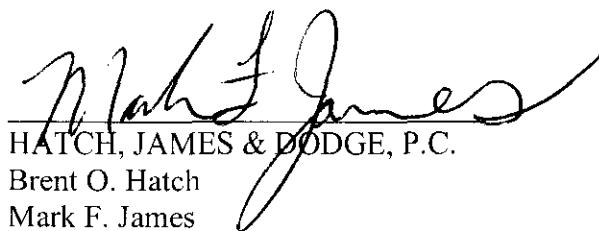
Defendant/Counterclaim-Plaintiff IBM's Supplemental Memorandum in Opposition to Dismiss or Stay Count Ten of IBM's Second Amended Counterclaims.

SCO seeks dismissal or a stay of Count Ten of IBM's Second Amended Counterclaims.

In response to SCO's moving papers, IBM filed an opposition memorandum and then a supplemental opposition memorandum. SCO's Reply Memorandum addresses both IBM's original opposition memorandum as well as its supplemental memorandum.

As SCO must address multiple issues and must place complex issues in context for the Court, SCO respectfully requests leave to file an over-length memorandum. SCO's Memorandum now contains approximately 20 pages of argument exclusive of statement of facts, face sheet and table of contents. SCO has endeavored to be as concise as possible, but respectfully submits that the excess length is necessary to fully address the issues.

DATED this 23rd day of August, 2004.



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**CERTIFICATE OF SERVICE**

Plaintiff, The SCO Group, hereby certifies that a true and correct copy of **EX PARTE MOTION FOR LEAVE TO FILE OVER-LENGTH MEMORANDUM** was served on Defendant International Business Machines Corporation on this 23rd day of August, 2004, by U.S. mail, postage prepaid to:

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